

CITY COUNCIL PROCEEDINGS

JOURNAL 181

JUNE 15, 2004

PAGE 130

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, June 15, 2004
Tuesday, 9:06 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Gray, Lambke, Martz, Schlapp; present. Council Member Fearey was absent with prior notice.

Cathy Holdeman, Interim City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Rev. Sergio Tristan, United Methodist, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

The Minutes of the regular meeting of June 8, 2004, were approved 6 to 0, (Fearey absent).

AWARDS AND PRESENTATIONS

Proclamations

Proclamations were previously submitted.

Sister Cities

Recognition of Sister Cities Student Ambassadors to Orleans, France.

Mayor Mayans recognized the Sister Cities Student Ambassadors to Orleans, France.

NEW BUSINESS

2003 CAFR

2003 COMPREHENSIVE ANNUAL FINANCIAL REPORT.

Agenda Report No. 04-0606

Kelly Carpenter

Acting Finance Director reviewed the item.

Kansas state law requires an annual audit of all City accounts to be performed by an independent certified public accounting firm at least annually. Additionally an audit of the City's federal forfeiture program is required by the Bureau of Justice each year. The Comprehensive Annual Financial Report (CAFR) and the report on compliance required by the Bureau of Justice are for the year ended December 31, 2003.

Historically, the Water and Sewer Department has published a separate annual report to meet the requirements of revenue bond covenants. The 2003 CAFR incorporates the specific requirements of the revenue bond covenants, eliminating the necessity of a separate publication.

The City's Comprehensive Annual Financial Report is designed to provide information needed by interested parties to gain a fair understanding of the government's financial position, results of operations and cash flows. The independent certified public accounting firm of Allen, Gibbs & Houlik, L.C. issued their opinion that the general purpose financial statements present fairly, in all material respects, the financial position of the City as of December 31, 2003, and the results of its operations and the cash flows of its business-type activities and component unit in conformity with generally accepted accounting principles. The Wichita Public Building Commission is considered a component unit and has been appropriately reflected in the financial statements as part of the financial reporting entity.

CITY COUNCIL PROCEEDINGS

JOURNAL 181

JUNE 15, 2004

PAGE 131

The Government Finance Officer's Association (GFOA) of the United States and Canada awarded a Certificate of Achievement for Excellence in Financial Reporting to the City for its Comprehensive Annual Financial Report for the year ended December 31, 2002. In order to be awarded a Certificate of Achievement, a government must publish an easily readable and efficiently organized CAFR, with content that conforms to program standards. The 2002 award represents the 30th consecutive year in which the City has earned this award. Staff believes that the 2003 CAFR continues to meet GFOA standards for certification and the City has applied for this recognition.

Kansas law requires an annual audit of City financial records by a certified public accounting firm (K.S.A. 75-1122) in accordance with the minimum standard audit program (K.S.A. 75-1123).

Mark Dick

Mr. Dick who is with Allen, Gibbs and Houlik, L.C., presented the results of the calendar year 2003 audit. Mr. Dick stated that the audit was completed in late March and issued their opinion on the City's financial statements on March 26, which is included in the Comprehensive Financial Report. Stated that along with the audit, their professional standards require that they communicate certain items to the Governing Body. Stated that there were no noted changed accounting policies for the City of Wichita; did not find any significant or unusual type transactions that have no authoritative guidance on how to record them; looked at the estimates that the Finance Department used to prepare the financial statements and felt that they were reasonable and did not differ with them; no significant adjustments to the financial statements that were given to them; no disagreements with management in regard to the application of accounting principles; no difficulties in dealing with the City Staff and all of the records were made available to them and all of their requests were satisfied. Stated that these are the required communications to the Governing Body.

Reported that they have concluded that the financial statements are fairly presented in accordance with General Accepting Accounting Principles, concluded that the City does have adequate controls over the financial reporting of financial results of the City of Wichita and that these controls work on the items that were tested and they did not find any non-compliances that were significant to the financial statements of the City of Wichita. Stated that they had a couple of management letter comments that relates to minor things that they saw during the audit and have discussed them with the Finance Department and corrective actions have been taken on these matters.

Mayor Mayans

Mayor Mayans asked Mr. Dick to address the concerns that were listed on the management letter.

Mark Dick

Mr. Dick stated that none of these were significant and that one of the items that they spotted in the controls for the City was that in the City's data processing system. There was only one individual that was able to go in and change vendor files and that individual had total control over that function and from an auditing prospective this is not good practice and there needs to be a segregation of duties. They recommended that somebody else be involved and review any changes made to those master files and it is their understanding that corrective action has been taken. The second item deals with closing out capital projects, primarily in the water, sewer and storm systems. Stated that as you issue debt and when that project is complete, if there is money left over from the proceeds of that debt that money should be transferred to the debt service fund to be used to make payments on the debt service requirements in the future. Stated that they noted that there were not timely closing out of a lot of those projects. Stated that management has looked at that and have made an effort and they have noted some improvement but it still needs to be monitored.

Mayor Mayans

Mayor Mayans inquired if anyone from the audience wished to be heard and no one appeared.

Motion--

Mayans moved that the Comprehensive Annual Financial Report and the Independent Accountants' report regarding compliance with administration of the Department of Justice Forfeiture Program for the year ended December 31, 2003, be filed. Motion carried 6 to 0, (Fearey absent).

--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 181

JUNE 15, 2004

PAGE 132

ACCUTEL

APPROVAL OF ECONOMIC DEVELOPMENT INCENTIVE FOR ACCUTEL. (DISTRICT II)

Agenda Report No. 04-0607

Allen Bell

Economic Development Director reviewed the item.

AccuTel is a wholly owned subsidiary of GMAC, the financing arm of the General Motors Corporation. Since 2002, AccuTel has operated a customer service call center in 20,000 square feet of leased space in the former Pizza Hut headquarters building on East Douglas, employing 150 people at an average wage of \$9.50 per hour. In 2002, the State of Kansas offered AccuTel a forgivable loan under its Kansas Economic Opportunity Initiative Fund (KEOIF) program, which the company turned down because it could not accept a requirement that the company repay already forgiven portions of the loan in the event they cease operations prior to the end of the loan term. The disagreement over loan default penalties led AccuTel to choose Midland, Texas, over Wichita for a major expansion in 2003.

AccuTel is again considering Wichita, along with sites in other states, for an expansion that would add 150 new employees. The choice of Wichita is contingent upon AccuTel receiving a KEOIF forgivable loan from the State of Kansas, without the contingent liability of repaying any forgiven amounts of loan principal. The State of Kansas has agreed to make the loan without requiring AccuTel to repay already forgiven principal, if the City and/or County will guarantee to pay the forgiven portions of the loan. Sedgwick County has agreed to guarantee one-half of any forgiven loan principal in the event they cease operations prior to the end of the loan term.

The State of Kansas has offered AccuTel a KEOIF forgivable loan in the amount of \$333 per new employee, up to \$50,000, as an incentive to locate their expansion in Wichita. In addition to hiring 150 new employees, AccuTel plans to lease an additional 30,000 square feet in the former Pizza Hut headquarters building and make a capital investment of \$4.7 million in the facility. The term of the KEOIF loan is five years and each year that the company meets the "ramp-up" projections of increasing employment, one-fifth of the loan amount will be forgiven, so that at the end of the five-year term the entire amount of the loan will be forgiven if 150 new jobs have been created.

Under the terms of the Guaranty Agreement between the City of Wichita and the State of Kansas, the City would be liable for one-half of any portions of the State's loan to AccuTel which have been forgiven but which would have become due and owing under the default provisions of the KEOIF loan agreement. The specific default provision that triggers the City's guarantee is if the company ceases operations entirely at its Wichita facility. The City's maximum liability is capped at \$20,000 (matching Sedgwick County) and the liability is reduced at the end of each year by \$5,000.

The City will pay any amounts due and owing under the Guaranty Agreement from the Economic Development Fund, which obligation will be reflected as a contingency in each year's budget until it has been liquidated.

The Guaranty Agreement with the Kansas Department of Commerce has been approved as to form by the Department of Law. The Agreement contains a provision that subjects the City's liability to compliance with the State's Cash Basis Law and Budget Law.

Council Member Gray

Council Member Gray stated that he has concerns that this will be setting a precedent and that this company needs to be made aware that they are carrying the reputation for everyone on whether this idea works or not and hopes that they are committed to staying here for at least the full five-year term.

Allen Bell

Director of Economic Development stated that the draft agreement and the State Loan Agreement requires the reporting of employment levels and financial information on the company and this information will be shared with the City and that he and his Staff will monitor the compliance of this company as they do other companies that receive financial benefits from the City.

CITY COUNCIL PROCEEDINGS

JOURNAL 181

JUNE 15, 2004

PAGE 133

- Council Member Martz Council Member Martz stated that he is also concerned with this setting a precedence and that the City could potentially be jeopardizing itself if the City waives the requirements that the City has had for the forgivable loans.
- Allen Bell Economic Development Director explained that a major difference is that when the City makes a loan, the City is coming out of pocket and it has been the City's policy that all amounts of the forgivable loan have to be repaid if the company ceases operations in Wichita before the term of the loan is expired. Stated that this is obviously a special provision and attempts could be made in the future to use this as a precedent but that his office and the City Manager would not support altering their stance. Stated that every Economic Development deal has to be analyzed on the merits of the deal itself and a risk analysis takes place and should not allow it to become a precedent.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Motion-- Schlapp moved that the Guaranty Agreement between the City of Wichita and the Kansas Department of Commerce relating to relating to the State's forgivable loan to AccuTel be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).
--carried

THEFT ORD.

AMENDMENT TO THEFT ORDINANCES.

- Gary Rebenstorf Director of Law reviewed the item.
- Agenda Report No. 04-0608
- The City Code includes provisions on misdemeanor theft parallel to State law. The 2004 Legislature amended several criminal statutes. HB 2271, effective July 1, 2004, raises the threshold for misdemeanor theft and theft of services from \$500 to \$1000.
- Amendments are proposed to City of Wichita Code Sections 5.42.010 (petit theft) and 5.42.070 (theft of services). Theft of property or services valued under \$1000 would be a violation of City Code and punished as a misdemeanor crime effective July 1.
- The proposed ordinance changes keep the City Code in conformity with State law. The ordinance was prepared and approved as to form by the Department of Law.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Motion--carried Mayans moved that the Ordinance be placed on first reading. Motion carried 6 to 0, (Fearey absent).

ORDINANCE

An Ordinance pertaining to theft, amending Sections 5.42.010 and 5.42.070 of the Code of the City of Wichita; and repealing the originals of said sections, introduced and under the rules laid over.

TROLLEY ROUTE

INITIATE DOWNTOWN TROLLEY LUNCH ROUTE. (DISTRICTS I, IV, VI)

- Agenda Report No. 04-0609
- Jay Banasiak General Manager for Wichita Transit reviewed the item.
- Wichita Transit (WT) operates a Trolley Division, totally separate from the Transportation (fixed route bus) Division. The Trolley Division is self-sustaining, gaining its revenue from charter fees and advertising. Presently, trolley service includes: charters, holiday light tours, River Festival lunch shuttles, Museum-a-la-Carte shuttles and the Discover Historic Wichita tours.

CITY COUNCIL PROCEEDINGS

Since the dissolution of the Wichita Street Railway Society (WSRS) in the mid-1990s and the Downtown Wichita Association (DWA) in 1998, Wichita Transit is now the only formal entity in directing trolley services. WT's foremost goal in operating the trolley division is to be self-sufficient.

In 1993, the City of Wichita bought three trolleys to operate a self-sustaining charter and special shuttles operation. Shortly thereafter, the City bought two more trolleys, to make a total fleet of five.

During this same time period, a number of special trolley services were implemented, in addition to charter services: Friday lunch shuttles, Friday/Saturday night shuttles and a Saturday museum route. All these special shuttles or routes in the late 1990s have been discontinued due to operating deficits lack of public participation and the lack of downtown restaurants and attractions.

Several factors have occurred since 2000 that have been prompting a rebirth of the trolley route in downtown:

- the continual growing development of Old Town,
- emergence of the Downtown Development Corporation (DDC),
- the growing "quality of life" for downtown,
- the success of the downtown Discover Historic Wichita tours, and
- adopting, in the City Strategic Agenda, a downtown trolley route as part of Downtown Revitalization.

In June 2004, Wichita Transit purchased two new trolleys using federal and state dollars so they can be treated as new buses and be part of the bus division instead of the trolley division. This now will allow those two new trolleys to be eligible for federal assistance in all maintenance and planning functions. The one caveat the Federal Transportation Administration (FTA) has is the trolleys must be used for general public use only, such as historical tours, downtown shuttle routes, regular fixed route, etc. Consequently, these trolleys can be used for published service for the general public and approximately 15 to 20% of the operating cost can be absorbed by WT's annual federal assistance grant.

Wichita Transit has been working in partnership with the DDC in establishing trolley service in the downtown area. Since operating costs are the biggest hurdle in maintaining a trolley route downtown, the following factors are aimed at a trolley route success:

- DDC willingness to support a large portion of the operating cost for a trial downtown trolley lunch route.
- WT has an abundance of federal maintenance and planning funds.
- Trolley farebox revenues will aid in operating costs, and
- WT and DDC have marketing funds available.

In consideration of the above factors, and developing a trolley shuttle system downtown, the following plan is proposed:

1. Implement a four-hour, Monday thru Friday downtown lunch route, with a 25¢ fare, from July 6 to September 4, 2004.
2. Optional: implement a six-hour, Saturday museum downtown route, with a 25¢ fare, from July 10 to September 3, 2004.
3. Use WT and DDC funds to market the trial lunch route.
4. Include feasibility of a downtown shuttle service as a task for the upcoming Transportation Development Plan (TDP) study this fall.
5. During the trial lunch route, discuss with downtown hotels, businesses, and restaurants the feasibility of a more permanent route in 2005.
6. Analyze the trial lunch route, and along with the results of the TDP, ascertain a future presence of trolleys in the downtown area.

Total Cost of the proposed trolley service is \$29,0160, with \$23,400 toward operation and \$5,616 in maintenance. DDC will cover most of the operating costs, less fare revenue, up to \$25,000; while WT would utilize its annual federal preventative maintenance (PM) grant for the maintenance (\$4,493 federal and \$1,125 transit fund). A marketing budget of up to \$6,000 would be established, split 50/50 between WT and DDC. Presently, WT has ample maintenance funds in the FY 2004 federal grant, and in the current marketing budget to cover these costs.

CITY COUNCIL PROCEEDINGS

JOURNAL 181

JUNE 15, 2004

PAGE 135

The Law Department will approve the agreement between WT and the DDC as to form.

- Council Member Brewer Council Member Brewer inquired as to how firm the actual route is and if it can be expanded or changes made to it at a later time.
- Jay Banasiak General Manger of Wichita Transit explained that for the nine week period that this will run, they will have to stick to the route that they have and that if it does well that they could possible look into expanding it for 2005.
- Council Member Martz Council Member Martz asked that the Exploration Place be placed on this route and thinks that this is one way to make it more convenient for local people that are downtown and also to help educate visitors with the City of Wichita and help them to see the City.
- Council Member Schlapp Council Member Schlapp stated that she thinks this is a great idea but is concerned with getting the word out and limiting this to a 30 day trial period because it may take longer than 30 days to see if this will be viable or not.
- Jay Banasiak General Manager of Wichita Transit stated that they are going to blitz the marketing and will market immediately. Stated that he feels that they can get the word out in time.
- Council Member Brewer Council Member Brewer stated that he also thinks that this is a good idea especially and that it will hopefully create more involvement in the Old Town and Down Town area during the lunch hour.
- Council Member Gray Council Member Gray stated that he too thinks this is a good idea but has reservations about having to subsidize it in the future. Stated that he would like to see this sustain itself next year and that should be a goal.
- Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard and no one appeared.
- Motion-- Brewer moved that the Downtown Trolley Lunch Route as proposed, contingent on DDC participation, and the six-point plan for trolley shuttles in the future, be approved. Motion carried 6 to 0, (Fearey absent)
--carried

HOME CHDO

HOME CHDO HOUSING DEVELOPMENT FUNDING AGREEMENT. (DISTRICTS I, III, IV, V, VI)

Mary K Vaughn Director of Housing reviewed the item.

Agenda Report No. 04-0610

On March 16, 2004, the City Council approved an allocation of \$350,000 in HOME funds for housing development projects to be carried out by four of the City's designated Community Housing Development Organizations (CHDOs), as part of the Consolidated Plan funding process. Mennonite Housing Rehabilitation Services, Inc. (MHRS) received an allocation of \$130,000, Community Housing Services of Wichita/Sedgwick County, Inc. (CHS) received an allocation of \$50,000, Power CDC received an allocation of \$130,000, and Wichita Indochinese Center, Inc. (WIC) received an allocation of \$40,000. Further, the City Council approved an allocation of \$200,000 for the CHDO Boarded-up HOME Program. This program provides a means for CHDOs to obtain zero-interest, forgivable loans to address blighted housing in the City's Local Investment Areas (LIAs). City-approved CHDOs with experience in single-family housing development are eligible for participation in the program, and may utilize the funding to acquire boarded-up or otherwise blighted structures for the purpose of rehabilitation or demolition and construction of a new home.

Housing Services is requesting approval for a funding agreement in the amount of \$130,000 for MHRS, in order to partially finance the construction of at least five new homes in the City's Local Investment Areas, a funding agreement in the amount of \$50,000 for CHS, in order to partially finance the construction of at least two new homes in the City's Northeast Local Investment Area, an agreement

CITY COUNCIL PROCEEDINGS

JOURNAL 181

JUNE 15, 2004

PAGE 136

with Power CDC in the amount of \$130,000, to partially finance the construction of at least five new homes in the City's McAdams neighborhood, and an agreement with WIC in the amount of \$40,000, to partially finance the construction of at least one new home in the Planeview Local Investment Area. CHDO development funding will be used for site acquisition and/or construction as specified in the applicable agreements.

Housing Services is also requesting approval for the funding agreement providing for \$200,000 in HOME funding that was allocated for the 2004-2005 Boarded-up House Program. MHRS, CHS, Power CDC and WIC will be parties to the agreement.

Upon completion, homes constructed or rehabilitated under the aforementioned funding agreements will be sold to owner-occupant families who will receive closing costs/down payment assistance through the City's HOMEownership 80 Program.

Total project cost for each of the four new CHDO housing development projects is estimated to be \$1,300,000, which will cover the property acquisition and/or construction costs of 13 homes, including site acquisition, and demolition, if necessary. Each CHDO will leverage HOME funds with private sector construction loans or other financing. CHDOs participating in the Boarded-up HOME Program will also leverage HOME funds with private sector construction loans.

Funding agreements and any amendments will be approved as to form by the City Law Department. HOME regulations require completion of HOME-eligible projects on sites purchased with HOME funds. With the exception of the Boarded-up HOME program funding, the CHDO project funding is provided as part of the City's mandatory 15% set-aside for eligible CHDOs.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--

Brewer moved that the HOME funding contracts for MHRS, CHS, Power CDC and WIC, the new funding agreement for the Boarded-up HOME Program be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

--carried

CITY COUNCIL AGENDA

APPOINTMENTS

BOARD APPOINTMENTS.

Motion--carried

Brewer moved to appoint Kevin Miles to the Diversity Task Force. Motion carried 6 to 0, (Fearey absent).

Motion--carried

Mayans moved to appoint Lazaro San Martin to the Diversity Task Force. Motion carried 6 to 0, (Fearey absent).

CONSENT AGENDA

Council Member Gray

Council Member Gray requested that item 13 be pulled for discussion.

Council Member Brewer

Council Member Brewer requested that item 12A be pulled for discussion.

Motion--

Mayans moved that the Consent Agenda be approved as consensus Items except Items 13 and 12a.

--carried

Motion carried 6 to 0, (Fearey absent).

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS.

The Board of Bids did not meet.

CITY COUNCIL PROCEEDINGS

CMB

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	2004	<u>(Consumption on Premises)</u>
Peter N. Soukamnenth	Thai-Lae Café*	2433 South Hillside
Richard A. Diamond	Ty's Diner Inc.*	928 West Second Street
<u>Renewal</u>	<u>2004</u>	<u>(Consumption on Premises)</u>
Kulwinder S. Jaswal	Petro America Quick Mart	2700 North Amidon
<u>New Operator</u>	<u>2004</u>	<u>(Consumption off Premises)</u>
Edward J. Roitz Fleming Convenience F190	233 South Maize Road	
Edward J. Roitz Fleming Convenience F195	10304 West 13th Street	

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion--
--carried

Mayans moved that the licenses, subject to Staff review and approval, be approved. Motion carried 6 to 0, (Fearey absent).

PRELIMINARY EST. PRELIMINARY ESTIMATES:

- a) Hydraulic, 47th Street South to 57th Street South - (87N-0303-01/472-83902/448-89923/706877/ 606130/204343/774525) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$4,550,000.00
- b) Storm Water Sewer #604 to serve Krug North Addition - north of 21st Street North, west of 143rd Street East. (468-83794/751365/485256) Does not affect existing traffic. (District II) - \$422,000.00
- c) Ridge Port from the north line of the plat, south to the north line of Brookview; Conrey from the west line of Ridge Port, west to the west line of Hazelwood; Hazelwood from the south line of Conrey south to the north line of Brookview; Brookview from the west line of Hazelwood, east to the east line of the plat; Ridge Port Court (Lots 1 through 9, Block A) from the east line of Ridge Port, east to and including the "T" intersection; Ridge Port Court (Lots 10 through 18, Block A) from the east line of Ridge Port, east to and including the "T" intersection; Brookview Circle from the west line of Brookview, west to Lot 13, Block B. Sidewalk along one side of Ridge Port, Conrey, Hazelwood and Brookview to serve Ridge Port North 5th Addition - south of 37th Street North, east of Ridge. (472-83649/765853/490964) Does not affect existing traffic. (District V) - \$690,000.00
- d) 2004 Sanitary Sewer Rehabilitation Phase C - north of MacArthur, west of Rock Road. (468-83779 /620404/664524) Traffic to be maintained during construction using flagpersons and barricades. (Districts II, III, IV) - \$310,000.00
- e) Lateral 3, Main 14 Four Mile Creek Sewer to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street East. (468-83568/744054/480742) Does not affect existing traffic. (District II) - \$69,000.00
- f) Provide a third northbound lane with curb, gutter and drainage along K-15 (Southeast Boulevard) from 31st Street South to I-135; provide Mill and Overlay with Reflective Crack Relief Interlayer and Shoulder Repair on K-15 from KTA (I-35) to I-135 - K-15 from 31st Street South to I-135. (87K8014-01/472-83363/706815/ 201281) Traffic to be maintained during construction using flagpersons and barricades. (District III) - \$739,652.20

CITY COUNCIL PROCEEDINGS

JOURNAL 181

JUNE 15, 2004

PAGE 138

g) 2004 Street Rehabilitation: Hydraulic, K-96 to 37th Street South; Seneca, 53rd Street South to 61st Street North (472-83925/706881/132716/620398/204347/_/664518) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,VI) - \$466,800.00

h) 2004 Sanitary Sewer Reconstruction, Phase 5 - south of 21st Street North, west of Webb and east of West Street. (468-83814/620405/664525) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,VI) - \$288,000.00

i) Lateral 272, Main 5, Sanitary Sewer #22 to serve Steve Kelley 5th Addition - south of 13th Street North, east of Hoover. (468-83801/744055/480743) Does not affect existing traffic. (District VI) - \$98,000.00

j) Lateral 14 Northwest Interceptor Sewer to serve Fox Ridge Addition - north of 29th Street North, east of Maize. (468-83812/744059/480747) Does not affect existing traffic. (District V) - \$302,000.00

k) Main 7 Northwest Interceptor Sewer - between Maize & 119th St. West, and between 29th & 37th St. North. (468-83502/744058/480746) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$845,000.00

Motion--
--carried

Mayans moved that the Preliminary Estimates be received and filed. Motion carried 6 to 0, (Fearey absent).

STREET CLOSURES STREET CLOSURES/SPECIAL EVENTS USES.

In accordance with the Special Events Procedure, event sponsors are to notify adjacent property owners and coordinate arrangements with Staff, subject to final approval by the City Council.

The following street closure requests have been submitted:

Interfaith Ministries Block Party/Annual Assembly- Thursday, June 24, 4:00-8:00 p.m.

Street Closures: Market from Murdock to 9th Street
8th Street from Main to Broadway to Main
(Business area is participating in event.)

Automobilia Moonlight Car Show & Street Party – Saturday, July 10, 6:00 p.m. –Midnight

Street Closures: First Street from Broadway to Mosley
Topeka, Emporia, St. Francis, & Santa Fe from Douglas to Second Street
Mead from First to Second Streets

Sole Sisters 5K – Saturday, July 10, 7:15 – 9:15 a.m. (Main part of race on river bike path)

Street Closures: Lewis Street from Wichita to McLean
North bound lane of McLean from Lincoln to Second Street (7:30 - 7:45 a.m. & 8:10 – 8:25 a.m.)
Douglas Street Bridge ((7:30 - 7:45 a.m. & 8:10 – 8:25 a.m.)

Event sponsors are responsible for all costs associated with special events.

Motion--

Mayans moved that the street closures be approved, subject to: 1) event sponsors notifying every property and/or business adjoining any portion of the closed street; 2) coordination of event arrangements with City Staff; 3.) Hiring off-duty public safety officers as required by the Police Department; 4) obtaining barricades to close the streets in accordance with requirements of Police, Fire and Public Works Department; 5) submitting a Certificate of Insurance evidencing general liability insurance which covers the event and its related activities, including the naming of the City as an additional insured with respect to the event's use of the closed City streets. Motion carried 6 to 0, (Fearey absent).

--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 181

JUNE 15, 2004

PAGE 139

CLAIMS ALLOWED **REPORT ON CLAIMS ALLOWED – MAY 2004:**

<u>Name of Claimant</u>	<u>Amount</u>
Hogan, Jennifer	\$273.19
Miller, Phillip L.	\$159.48
Oeser, Justin	\$250.00 **
Wachsmuth, Eleanor E.	\$132.34

** Settled for lesser amount than claimed.

Motion--carried Mayans moved that the Report be received and filed. Motion carried 6 to 0, (Fearey absent).

(Agenda Item #12A)

YOUTH RECREATION **CDBG CONTRACT-YOUTH RECREATION AND ENRICHMENT PROGRAM.**

Agenda Report No. 04-0612

On March 16, 2004, the City Council allocated Community Development Block Grant (CDBG) funds for the 2004/2005-program year. Included in the 2004/2005 CDBG allocations were funds for a youth recreation program. Administration of the program was procured through a competitive Request for Proposal (RFP).

The grant was approved for the Youth Activity Advancement Alliance, a consortium of service agencies involved in recreation and teaching to administer after school programs for middle school aged youth. The YMCA is the coordinating agency this year for carrying out the activities of the program. This agency will administer the contract and coordinate recreation and enrichment services for approximately 4,080 low/moderate income youth enrolled in middle school (grades 6 through 8). The contract term is twelve months beginning July 1, 2004 and ending June 30, 2005.

The contract approved for the Youth Alliance program is \$150,000 and is funded in the approved 2004/2005 CDBG budget.

A contract has been negotiated with the Young Men's Christian Association and signed by the authorized representative.

Council Member Schlapp Council Member Schlapp stated that she would have to abstain from voting due to a conflict of interest.

Motion--
--carried Mayans moved that the contract be approved and the necessary signatures authorized. Motion carried 5 to 0, (Schlapp abstained, Fearey absent).

SCHOOLS

CDBG CONTRACT-COMMUNITIES IN SCHOOLS.

Agenda Report No. 04-0613

On March 16, 2004, the City Council allocated Community Development Block Grant (CDBG) funds for the 2004/2005-program year. Included in the 2004/2005 CDBG allocations were funds for Communities in Schools to provide and coordinate youth and adult services at the Stanley Elementary School.

Services to be provided include family literacy and parenting classes as well as tutoring, mentoring and counseling to approximately 50 students and their parents during the contract period of July 1, 2004 through June 30, 2005.

The contract amount is \$25,000 and is funded in the approved 2004/2005 CDBG budget.

A contract has been negotiated with Communities in Schools and signed by the authorized representative.

CITY COUNCIL PROCEEDINGS

JOURNAL 181

JUNE 15, 2004

PAGE 140

Motion--
--carried

Mayans moved that the contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

COMM. HOUSING

CDBG CONTRACT-COMMUNITY HOUSING SERVICES WICHITA/SEDGWICK COUNTY.

Agenda Report No. 04-0614

During the CDBG program years 1995, 1996 and 1997, \$150,000 in CDBG funds was allocated to Community Housing Services for a revolving housing loan program targeted to the Northeast and North Central Local Investment Areas. The breakdown for each year was \$50,000 for administration costs and \$100,000 for the revolving loan program, totaling \$450,000 with \$300,000 available for loans. Program income from loan re-payments in the amount of \$100,000 remains available to Community Housing Services for additional housing loans.

The contract between the City of Wichita and Community Housing Services of Wichita/Sedgwick County provides an agreement for the continued use of the existing revolving loan funds for home rehabilitation loans, home ownership loans and refinance/rehabilitation loans during the 2004/2005 CDBG program year.

The \$100,000 revolving loan fund budget plus any receipts from loan re-payments (program income) will enable the processing of approximately three to twelve additional rehabilitation loans in the Northeast and North Central Local Investment Areas during the term of this contract.

A contract has been re-negotiated with Community Housing Services Wichita/Sedgwick County and signed by the authorized representative.

Motion--
--carried

Mayans moved that the contract be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

WESTAR

CONTRACTS FOR RELOCATION OF WESTAR TRANSMISSION AND DISTRIBUTION LINES FOR THE WEST 13TH BRIDGE AT COWSKIN CREEK AND 13TH STREET, CEDAR PARK TO 119TH STREET WEST PROJECTS. (DISTRICT V)

Agenda Report No. 04-0615

On October 7, 2003 the City Council approved a project to reconstruct the 13th Street Bridge over the Cowskin Creek and widen 13th Street from Cedar Park to 119th St. W. Westar transmission and distribution overhead lines will have to be relocated for this project.

Westar's existing facilities are currently located in a private easement. Because of this, the cost to relocate the facilities must be paid by the City. Agreements have been prepared that formalize this arrangement.

The estimated cost to relocate these lines is \$160,000. Funds are available in the project account (funded by GO bonds) to provide for this expense.

Motion--
--carried

Mayans moved that the Agreements be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

LAB SERVICES

LABORATORY CONTRACTUAL SERVICES. (DISTRICT VI)

Agenda Report No. 04-0616

On May 11, 2004, the City Council approved a contract with Pace Analytical for testing and analytical services for Brooks and Chapin Landfills. The May 11 agenda item indicated an annual contract cost of \$11,808 for the proposed Pace Analytical services. This amount, however, did not include the cost of

CITY COUNCIL PROCEEDINGS

JOURNAL 181

JUNE 15, 2004

PAGE 141

quarterly sampling of the more extensive remediation system network, or the monthly testing of discharge water, now required by KDHE. The cost of the revised program will now be between \$80,000 and \$100,000, depending on follow up sampling required by KDHE.

The new contract reflects the changed scope of services at Brooks and Chapin Landfills to meet current KDHE requirements. The estimated annual cost of these services is changed to reflect the entire scope of work.

Funding is available for these laboratory services in the approved Brooks Landfill Post Closure Budget.

Motion--
--carried

Mayans moved that the new contract with Pace Analytical be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

FOOD SERVICES

RENEWAL OF FOOD SERVICES ESTABLISHMENT INSPECTION CONTRACT.

Agenda Report No. 04-0617

The Environmental Health Department has conducted inspections of food service establishments within Sedgwick County on behalf of the Kansas Department of Health and Environment (KDDHE) for over 25 years. Local Staff enforces state regulations and utilize state enforcement mechanisms as appropriate. KDHE remits 80% of license revenue (as established by statute) to the City, and provides enforcement assistance and training for local Staff. KDHE has proposed renewal of this contract for state fiscal year 2005, July 1, 2004 through June 30, 2005.

Contract inspections by local entities reduce duplication of effort, provide a single source of contact for industry and citizens, and contribute substantially to local food protection budgets. Due to recent state legislation and executive reorganization orders, the contract will not cover food service within grocery and convenience stores (approximately 200 within Sedgwick County) after September 30; these businesses will fall under the jurisdiction of the Kansas Department of Agriculture (KDA). Environmental Health management has met with KDA Staff concerning a contract with KDA to cover the affected businesses. This contract will be offered to the City in August or September and will be presented to the Council for approval at that time.

Staff estimates the value of the contract at approximately \$ 327,000 annually, representing the major funding source for local food protection activities. (Approximately \$ 20,000 in additional revenue is generated via City grocery and food processor licenses.)

Motion--
--carried

Mayans moved that the contract with the Kansas Department of Health and Environment be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

WATERWALK

SUBSURFACE EXPLORATION AND GEOTECHNICAL ENGINEERING SERVICES FOR WATERWALK PROJECT AGREEMENT.

Agenda Report No. 04-0618

The City Council approved the design services of the East Bank Development on March 4, 2003.

The proposed Agreement between the City and Terracon Consulting Engineers & Scientists provides for the exploratory drilling, field/laboratory testing and geotechnical engineering services for the WaterWalk Project. The Staff Screening & Selection Committee selected Terracon for these services on June 4, 2004.

Payment to Terracon will be on based on Terracon's standard fee schedule with the total not to exceed \$79,000. Funds for the engineering services are available in the East Bank Redevelopment project budget approved by the City Council September 10, 2002.

CITY COUNCIL PROCEEDINGS

JOURNAL 181

JUNE 15, 2004

PAGE 142

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

LICENSING

LICENSING AGREEMENT.

Agenda Report No. 04-0619

The National GeoSpatial-Intelligence Agency (NGA), Homeland Security Division, and the U. S. Geological Survey (USGS) formed a team to develop the Homeland Security Infrastructure Program. The team prioritized and ranked urbanized areas based on their vulnerability to terrorism and the City of Wichita was named as one of these vulnerable areas. The USGS is working in partnership with the NGA to provide necessary geospatial information in support of homeland security and emergency management requirements for NGA-identified vulnerable areas. The USGS is entering into licensing agreements with other government agencies in the state of Kansas and across the nation in conjunction with their data acquisition efforts.

The Data Access and Usage Licensing Agreement between the USGS and the City of Wichita states the City will provide 620 Township Sections of 2003 digital aerial photography in high resolution format. The USGS agrees to restricted usage terms stated in the Licensing agreement and to supply the City a licensing fee. The terms of this agreement involve a one-time transaction occurring between the City of Wichita and the USGS. Upon delivery of the requested digital aerial photography, an invoice will be submitted to USGS and payment to the City will be due in full within 30 days of the invoice date.

The USGS has reserved a \$35,000 licensing fee for the City of Wichita. In the event this Data Access and Usage Licensing Agreement is not finalized in June, the reserved funds will be allocated to another governmental agency in a vulnerable urbanized area.

The USGS will pay the City a fee in the amount of \$35,000 in accordance with the Data Access and Usage Licensing Agreement.

The Law Department will review and approve the agreement as to form.

Motion--
--carried

Mayans moved that the Data Access and Usage Licensing Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent)

(Agenda Item #13) DESIGN REVIEW

DESIGN REVIEW PROCESS AND GUIDELINES.

Agenda Report No. 04-0620

A process and guidelines need to be implemented to assure high standards of visual excellence and to create uniformity for City projects.

On February 9, 1999, the City Council approved the Wichita Cultural Plan as part of the community cultural planning process. As part of the plan approval, the Cultural Arts Plan also included the formation of the 15-member Art and Design Review Board (Design Council) whose responsibility is to make design recommendations, to assist in setting appropriate budgets and to develop and define design guidelines for public projects.

To maintain and protect the investment the City has made on improvements throughout the City, the Design Council has developed a process and guidelines for consultants and Staff to use to establish specific design criteria for public projects. This ensures a consistent level of excellence in design and materials used to complete projects. The end result creates visually unified and memorable public spaces. A design review using the established process and guidelines will allow budgets to accurately be determined at the beginning of projects.

CITY COUNCIL PROCEEDINGS

JOURNAL 181

JUNE 15, 2004

PAGE 143

The proposed process allows the City Council and the City Manager opportunities to review the proposed public project design budgets throughout the project and provides opportunities to revise projects in the early stages of development. This input will assist the Design Council members and Staff in establishing realistic budgets for public projects. The process and guidelines will also encourage the choice of consultants based on qualifications and enable Staff to negotiate contracts after projects are awarded.

Council Member Gray Council Member Gray stated that John DeAngelo and his Staff should be recognized for the design review process and guidelines, which allows the City Council, Mayor and City Manager to have more input and influence during the review process and the structuring process of capital improvement projects.

Motion-- Gray moved that the design review process and guidelines for use in City projects be approved.
--carried Motion carried 6 to 0, (Fearey absent).

LOAN COMMITTEE APPOINTMENT FOR LOAN COMMITTEE.

Agenda Report No. 04-0621

On December 16, 2003, the City Council adopted an ordinance to establish the SBA Micro Loan program and to appoint a Loan Committee. The City Council approved five members to serve on the Loan Committee.

Frank Choriego was appointed to the Loan Committee by the City Council on December 16, 2003. Mr. Choriego has resigned because of an occupation change. In order to maintain five (5) members on the Loan Committee it is requested that the City Council select a replacement.

Staff recommends the City Council appoint Rich Meyer to the Loan Committee. Mr. Meyer has 20 years of banking experience and experience working with the SBA. Mr. Meyer is currently a bank officer at Prairie State Bank.

The Ordinance authorizes the City Council to appoint a Loan Committee to be comprised of not less than three nor more than five members, who shall make loan/investment decisions for the provision of City loan loss reserve funds for eligible SBA Microloans, providing that at least three members shall constitute a quorum for purposes of conducting business.

Motion-- Mayans moved that Rich Meyer be appointed to serve on the Loan Committee. Motion carried 6 to 0,
--carried (Fearey absent).

PARKING LOT CENTURY PLAZA PARKING LOT ADJACENT TO THE CENTURY PLAZA BUILDING, BOUNDED BY DOUGLAS, MAIN AND CENTURY II DRIVE. (DISTRICT I)

Agenda Report No. 04-0622

On April 1, 2003, the City Council approved a project to reconstruct the Century Plaza Parking Lot adjacent to the Century Plaza Building. On May 21, 2004, bids were opened on the project. All bids exceeded the project budget.

The current budget is \$30,000, with the total paid by the parking lot revenues. The revised budget is \$50,000, with \$30,000 paid by the parking lot revenues and \$20,000 by General Obligation Bonds. The bond share of the project is for repairs needed to the existing parking lot. Funding for the budget increase is available from funds remaining after lower than expected bids were received on the Main Street improvement project.

CITY COUNCIL PROCEEDINGS

JOURNAL 181

JUNE 15, 2004

PAGE 144

Motion--
--carried

Mayans moved that the Resolution be adopted and the budget increase authorized. Motion carried 6 to 0, (Fearey absent).

RESOLUTION NO. 04- 321

A Resolution finding it necessary to make certain improvements to construct Century II Parking Lot (Century II Drive and Main Street, south of Douglas) 472-83951), and authorizing the issuance of Bonds by the City of Wichita at Large, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent).

VOCA GRANT

2005 VICTIMS OF CRIME ACT (VOCA) GRANT.

Agenda Report No. 04-0623

The Federal Victims of Crime Act (VOCA) Crime Victim Assistance grant program is administered by the Kansas Governor's Federal Grants Program. In 2001, the City Council approved the initial grant application for VOCA funding, which established a Victim Assistance Unit (VAU) in the Police Department, Staffed by two civilian employees. These employees are responsible for providing direct victim assistance and coordination with established community resources. The Police Department's VAU Staff work closely with several victim services agencies, including the Wichita Area Sexual Assault Center, YWCA Women's Crisis Shelter, Catholic Charities, U.S. Attorney's Victim Assistance Office, District Attorney's Victim/Witness Staff, and Assistant District Attorneys.

The VAU is responsible for facilitating a coordinated response to the needs of crime victims, developing and implementing training programs (internally and externally), and administering a contingency fund to meet the emergency needs of crime victims. Victim assistance is focused on the primary and secondary victims of violent crime, including death cases and elderly burglary victims. The VAU has been instrumental in working with the Wichita Police Department's violent crimes and burglary sections to assist victims with restoring stability to their lives, and aiding in the reduction of secondary victimization. The efforts of the VAU, in conjunction with other Police Department personnel, has enhanced service to victims of crime and has established trust and open communication within the community.

The grant application seeks funding for the continuation of the Victim Assistance Unit for federal FY 2005, beginning October 1, 2004 through September 30, 2005. The total budget request is \$136,121; 80% (\$108,897) to be provided by VOCA funding and a 20% (\$27,224) local match requirement. Funds are available in the Narcotic Seizure Fund for the local match.

The City Council has the authority to submit and receive the grant.

Motion--
--carried

Mayans moved that the grant application be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

TELEPHONE EQUIP. PURCHASE TELEPHONE EQUIPMENT FOR ENVIRONMENTAL HEALTH DEPARTMENT.

Agenda Report No. 04-0624

The telephone system serving Environmental Health at 1900 E. 9th St. was the appropriate size until Sedgwick County assumed responsibility for Personal Health. Replacing the current stand-alone system with a remote node of the City Hall telephone system will reduce maintenance fees by \$12,500 annually while expanding telephone capability at this location.

The City's existing telephone system was procured under a competitive bid, RFP 1998-27, which was sent to 11 vendors and approved by the City Council on October 13, 1998.

CITY COUNCIL PROCEEDINGS

JOURNAL 181

JUNE 15, 2004

PAGE 145

Funds from the Telecommunications Equipment Replacement Fund and from the Environmental Health Department are available for this purchase.

The Purchasing Ordinance No. 35-856, Section 2(b) provides for the purchase of equipment and supplies from sole sources of supply without advertising for bids.

Motion-- Mayans moved that the purchase of telephone equipment from Siemens Information and Networks, Inc. in the amount of \$22,402 be approved. Motion carried 6 to 0, (Fearey absent).
--carried

TELEPHONE EQUIP. PURCHASE TELEPHONE EQUIPMENT FOR HOUSING DEPARTMENT.

Agenda Report No. 04-0625

The Housing Department is expanding its building at 332 Riverview and will relocate employees from Greenway Manor to 332 Riverview. The present telephone cable serving these locations is inadequate to serve the department after the move. Bids were solicited to replace the cable serving the Housing Department, but all were substantially above the cost of installing a remote shelf at 332 Riverview and using the existing fiber that connects that location to City Hall. The lowest bid for cabling was \$34,648.00, whereas the cost to install a new shelf is \$22,402.00.

By installing a remote shelf from the City Hall telephone system, all Housing Department employees can be accommodated at 332 Riverview without new cabling and for less cost.

The City's existing telephone system was procured under a competitive bid, RFP 1998-27, which was sent to 11 vendors and approved by the City Council on October 13, 1998.

Funds from the Telecommunications Equipment Replacement Fund and from the Housing Department are available for this purchase.

The Purchasing Ordinance No. 35-856, Section 2(b) provides for the purchase of equipment and supplies from sole sources of supply without advertising for bids.

Motion-- Mayans moved that the purchase of telephone equipment from Siemens Information and Communication Networks, Inc. in the amount of \$22,402.00 be approved. Motion carried 6 to 0, (Fearey absent).
--carried

BUS PURCHASE PURCHASE OF TWO (2) BUSES.

Agenda Report No. 04-0626

On December 16, 2003, the City Council passed Resolution No. 03-665 that authorized Staff to file for Federal funds for the purchase of four replacement vehicles for Wichita Transit's (WT) four 1991 Flexible coaches. These Flexible coaches have exceeded their useful life, and were to be replaced with two buses and two replica trolley buses. Two trolleys were purchased earlier this year. Purchase of these two remaining buses is in accordance with the City's Capital Improvement Program, under Project T-610001.

In 2001, WT selected Gillig Corporation to purchase 35' standard height buses, with options to purchase additional buses for up to five years. WT will utilize its option to purchase two more Gillig buses, which will be identical to the ones purchased in 2001.

The two Gillig Phantom buses will be purchased with grants from the FTA (80%) and KDOT (20%). Cost per bus will equal \$278,523. The total cost of two Gillig buses, spare engine, transmission and differential administrative costs, pre-production meeting, and bus line inspections will not exceed \$618,000. There are no city funds in the procurement.

CITY COUNCIL PROCEEDINGS

JOURNAL 181

JUNE 15, 2004

PAGE 146

The City's Law Department will review the contract prior to execution as to form.

Motion--
--carried

Mayans moved that the purchase of two Gillig buses be approved. Motion carried 6 to 0, (Fearey absent).

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JUNE 8, 2004)

- a) Charter Ordinance Amendments-Municipal Court Procedures.

CHARTER ORDINANCE NO. 199

A Charter Ordinance of the City of Wichita, Kansas, relating to the code of procedure for municipal courts; amending Section 3 of Charter Ordinance no. 164, Section 1 of Charter Ordinance 170, and Section 4 of Charter Ordinance No. 122; and repealing the original of said Sections, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans, (Fearey absent).

- b) Sidewalk Cleaning Assessments.

ORDINANCE NO. 46-187

An Ordinance making a special assessment to provide a tax levy for the cost of sidewalk cleaning in the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans, (Fearey absent).

- c) Sidewalk Cafes-Structural Design.

ORDINANCE NO. 46-188

An Ordinance amending Section 4.16.070 of the Code of the City of Wichita, Kansas pertaining to private clubs, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans, (Fearey absent).

- d) 9th Street Bridge at the Westlink Ditch, between Maize and Tyler. (District V)

ORDINANCE NO. 46-189

An Ordinance declaring the 9th Street Bridge at the Westlink Tributary to Cowskin Creek (472-84021) to be a main trafficway within the city of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans, (Fearey absent).

- e) Murdock Bridge over the Little Arkansas River. (District VI)

ORDINANCE NO. 46-190

An Ordinance amending Ordinance no. 45-950 of the City of Wichita, Kansas declaring Murdock Bridge over the Little Arkansas River (472-83895) to be a main trafficway within the City of Wichita Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans, (Fearey absent).

CITY COUNCIL PROCEEDINGS

- f) Sidewalk Repair Assessments.

ORDINANCE NO. 46-191

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of Sidewalks in the City of Wichita, Kansas, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans, (Fearey absent).

- g) ZON2004-00016 - northwest corner of 29th Street North and Park Place. (District VI)

ORDINANCE NO. 46-192

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans, (Fearey absent). ZON 2004-00016

- h) ZON 2002-29 - northwest corner of Maize Road and 37th Street North. (District V)

ORDINANCE NO. 46-193

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans, (Fearey absent). (ZON 2002-29)

- i) ZON 2003-65 - south of Central, on the west side of Maize. (District V)

ORDINANCE NO. 46-194

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Gray, Lambke, Martz, Schlapp, Mayans, (Fearey absent). ZON 2003-65

FIRST READING ORDINANCES - NUISANCE ABATEMENT ASSESSMENTS

Agenda Report No. 04-0627

The Department of Environmental Health supports neighborhood maintenance and improvement through abatement of nuisances under Titles 7 and 8 of the City Code. State law and local ordinances allow the City to clean up or mow private property that is in violation of environmental standards after proper notification of the responsible party. A private contractor performs the work, and Environmental Health bills the cost to the property owner.

State law and city ordinance allow placement of the cleanup and mowing costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the nuisance abatements in question and Environmental Health is requesting permission for the Department of Finance to process the necessary special assessments.

Nuisance abatement and mowing contractors are paid through budgeted appropriations from the City's General Fund. Placement of special assessments provides for reimbursement of these expenditures to the City.

CITY COUNCIL PROCEEDINGS

JOURNAL 181

JUNE 15, 2004

PAGE 148

The assessments are in accordance with Chapter 7.40.050 and 7.40.060 of the City Code.

Motion--
--carried

Mayans moved that the assessments be approved and the Ordinances be placed on first reading. Motion carried 6 to 0, (Fearey absent).

ORDINANCE

An Ordinance making a special assessment to pay for the cost of abating certain public health nuisances (lot clean up) under the provisions of Section 7.40.050 of the Code of the City of Wichita, Kansas. Be it ordained by the governing body of the City of Wichita, Kansas, introduced and under the rules laid over.

ORDINANCE

An Ordinance making a special assessment to pay for the cost of cutting weeds in the City of Wichita, Kansas, introduced and under the rules laid over.

PLANNING AGENDA

John Schlegel

Planning Director stated that Council Member Martz requested that item 24 be pulled for discussion and that the map on the agenda report for item 26 is incorrect.

Motion--
--carried

Mayans moved to approve the Planning Agenda as presented, except for item 24. Motion carried 6 to 0, (Fearey absent).

ZON2004-13

ZON2004-13-ZONE CHANGE FROM MANUFACTURED HOUSING AND LIMITED INDUSTRIAL TO SINGLE-FAMILY RESIDENTIAL, GENERALLY LOCATED NORTH OF MACARTHUR AND WEST OF WEST STREET. (DISTRICT IV)

Agenda Report No. 04-0628

MAPC Recommendations: Approve, subject to platting within one-year. (10-0)

MAPD Staff Recommendations: Approve, subject to platting within one-year.

DAB Recommendations: DAB IV did not review.

The applicant requests a zone change from "MH" Manufactured Housing and "LI" Limited Industrial to "SF-5" Single-Family Residential on a 175 acre tract located north of MacArthur and west of West Street. The applicant proposes to develop the subject property with a subdivision of single-family homes containing 272 lots, many of which will surround a lake on the property.

The surrounding area is characterized by a mixture of industrial and residential uses. The predominate uses in the area are the Case and Cessna manufacturing facilities and various smaller commercial and industrial businesses along the West Street and Hoover Road corridors. Residential uses in the area are predominately single family and are located immediately adjacent to industrial uses or zoning, as is proposed for the subject property.

At the MAPC hearing on April 22, 2004, there were no speakers in opposition to the request. The MAPC voted (10-0) to recommended approval of the request subject to platting the property within one year.

Motion--

--carried

Mayans moved that the findings of the MAPC be adopted and the zone change subject to the condition of platting within one year be approved; the Planning Department be instructed to forward the ordinance for first reading when the plat is forwarded to the City Council. Motion carried 6 to 0, (Fearey absent).

CITY COUNCIL PROCEEDINGS

JOURNAL 181

JUNE 15, 2004

PAGE 149

CUP2004-00014/
ZON2004-00023

CUP2004-00014-ASSOCIATED WITH ZON2004-00023-CREATE DP275 KENNY ROGERS COMMERCIAL COMMUNITY UNIT PLAN; ZONE CHANGE TO LIMITED COMMERCIAL. GENERALLY LOCATED SOUTH OF 53RD STREET NORTH AND EAST OF HILLSIDE. (DISTRICT I)

Agenda Report No. 04-0629

MAPC Recommendations: Approved subject to platting within one-year and conditions. (13-0)

MAPD Staff Recommendations: Approved subject to platting within one-year and conditions.

DAB Recommendations: Not applicable.

The applicant is requesting to create the Kenny Rogers Commercial Community Unit Plan on a 5.61 acre unplatted tract located on the east side of Hillside, approximately 400 feet south of 53rd Street North. The applicant is also requesting a zone change for approximately 3.5 acres of the subject property from "SF-20" Single Family to "LC" Limited Commercial. The remainder of the subject property is currently zoned "LC" Limited Commercial.

The character of the area is that of a developing urban area but the area is predominately undeveloped at this time. The property to the north is zoned "LC" Limited Commercial and is developed with a church. The property to the east is zoned "SF-20" Single Family and is developed with the applicant's single-family residence. The properties to the south are zoned "SF-20" Single Family and are developed with single-family residences. The property to the west across Hillside is zoned "LC" Limited Commercial and "SF-5" Single Family and is developed with a high school.

The applicant proposes to develop 5.61 acres with specified uses that are permitted in the "LC" Limited Commercial zoning district. A maximum of 85,400 square feet in a maximum of five commercial buildings is proposed. A maximum building height of 35 feet is proposed. One access point to Hillside is proposed. Building setbacks of 35 feet are proposed along all property lines. Signs are proposed to be permitted per the Sign Code of the City of Wichita with additional restrictions on off-site and portable signs, window display signs, and flashing signs. Ground signs are proposed to be monument type with a maximum height of 20 feet. Landscaping is proposed per the Landscape Ordinance of the City of Wichita. A 6-8 foot high screening wall is proposed where adjacent to residential zoning.

At the MAPC hearing on May 20, 2004, there were no speakers in opposition to the request. The MAPC voted (13-0) to recommended approval of the request subject to the following conditions:

- A. APPROVE the zone change (ZON2004-00023) to "LC" Limited Commercial subject to platting within one year.
- B. APPROVE the Community Unit Plan (DP-275 Kenny Rogers Commercial CUP) subject to platting within one year and subject to the following conditions:
 1. The last sentence of General Provision #18 relating to a wall easement shall be replaced with: "The wall shall be located within the wall easement designated on the plan." A five-foot wall easement shall be shown on the plan along the south and east property lines and the 20-foot utility easement shall be shifted five feet to the north and west to account for the wall easement.
 2. Prior to publishing the ordinance establishing the zone change, the applicant shall record a document with the Register of Deeds indicating that this tract (referenced as DP-275 Kenny Rogers Commercial CUP) includes special conditions for development on this property.
 3. The applicant shall submit four 24" x 36" and one 11" x 17" revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

Motion--

Mayans moved that the findings of the MAPC be adopted and the zone change and CUP, subject to the condition of platting within one year and the recommended conditions, be approved; and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council. Motion carried 6 to 0, (Fearey absent).

--carried

CITY COUNCIL PROCEEDINGS

JOURNAL 181

JUNE 15, 2004

PAGE 150

(Agenda Item 24)
ZON2004-21

ZON2004-21-ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL TO GENERAL OFFICE AND LIMITED COMMERCIAL WITH A PROTECTIVE OVERLAY, PROTECTIVE OVERLAY #140. GENERALLY LOCATED APPROXIMATELY 760 FEET SOUTH OF THE MAPLE STREET, 135TH STREET WEST INTERSECTION ON THE EAST SIDE OF 135TH STREET WEST. (DISTRICT V)

John Schlegel

Planning Director reviewed the item.

Council Member Brewer momentarily absent.

Agenda Report No. 04-0630

MAPC Recommendations: Approve, subject to Staff recommendation and Protective Overlay #140. (12-0-1)
MAPD Staff Recommendations: Approve, subject to Protective Overlay #140.
DAB Recommendations: DAB V will consider June 9, 2004.

The applicant requests a zone change from “MF-29” Multi-family Residential to “LC” Limited Commercial (3.9-acres) and “GO” General Office (4.7-acres) with a Protective Overlay (PO) on the 8.6-acre Auburn Hills 7th Addition subject site. The subject site has frontage on 135th Street West and is approximately 760-feet south of the Maple Street – 135th Street West intersection, on the east side of 135th Street West. The proposed “LC” portion of the site would be located along the 135th Street West frontage and the proposed “GO” zoning would be on the site’s east side abutting single-family residences.

The subject site is located west of the previously mentioned established single-family residential subdivision (Auburn Hills 3rd Addition, houses built through the mid 1990s to 2000) and south of a developing commercial center (DP-219, the Auburn Hills C.U.P.), anchored by a Dillons and undeveloped neighborhood retail. The undeveloped neighborhood retail has a Protective Overlay, PO#130, on it. The Auburn Hills Golf Course is located south and west, across 135th Street West of the subject site.

This site, along with the other corners of the Maple and 135th Street intersection, are covered by the Far West Side Commercial Development Policy, which intended to limit this intersection to 24-acres of nonresidential development with no more than 12-acres of nonresidential development per corner. This policy also recommended development standards that included: signage be low, small and monument style, that there be architectural compatibility within developments and that commercial developments should be compatible with surrounding residential uses. The intersection has already exceeded the recommended 24-acres of nonresidential development, with a current total of approximately 31.41-acres of approved commercial zoning, but otherwise has established development guidelines that comply with the west side development policy. The proposed zoning change would bring the total non-residential zoned properties at the intersection up to approximately 40-acres, with approximately 25-acres of it located on this southeast corner of the intersection. The applicant’s proposed PO complies with the west side development policy; in fact it almost mirrors the provisions of DP-219, the Auburn Hills C.U.P. The difference is that the proposed PO is more restrictive in the uses allowed and signage, but does not restrict the total square footage of buildings allowed on the subject site. The creation of the Far West Side Commercial Development Policy was triggered by the DP-219 application.

The MAPC considered this case at their May 20, 2004, meeting and recommended approval (12-0-1) of the zoning change with Protective Overlay #140. No one person spoke in opposition to the requested zoning change at the meeting. DAB V considered this case at their June 9, 2004 meeting. Staff has received no written protest or phone calls protesting the requested zoning change.

Council Member Martz

Council Member Martz stated that this was a good example on how the DABs can take an active role in this process and since the applicant and the DAB agreed with the changes he does not see a need to send this item back to the MAPC.

CITY COUNCIL PROCEEDINGS

JOURNAL 181

JUNE 15, 2004

PAGE 151

Motion--

Martz moved to modify the recommendation of the MAPC and approve the zone changes, subject to the additional recommended provisions of the protective overlay district by the addition of the recommendations of DAB V as presented by Staff; and the Ordinance establishing the zone change be placed on first reading. Motion carried 6 to 0, (Fearey absent).

--carried

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. ZON 2004-21

SUB 2000-88

SUB 2000-88-PLAT OF RIO VISTA ESTATES ADDITION, ON THE NORTHWEST CORNER OF 61ST STREET NORTH AND MERIDIAN AVENUE. (DISTRICT VI)

Agenda Report No. 04-0631

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (10-0)

This unplatted site, consisting of 64 lots on 32.3 acres, site has recently been annexed into Wichita's city limits and is zoned SF-5, Single Family Residential District.

Petitions, all 100%, and a Certificate of Petitions have been submitted for sewer, water and paving improvements. A Restrictive Covenant was submitted to create a homeowner's association to provide for the ownership and maintenance of the reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty days.

The Certificate of Petitions and Restrictive Covenant will be recorded with the Register of Deeds.

Motion--

Mayans moved that the documents and plat be approved; the necessary signatures authorized and the Resolutions adopted. Motion carried 6 to 0, (Fearey absent).

--carried

RESOLUTION NO. 04-323

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89981 (north of 61st Street North, west of Meridian) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

RESOLUTION NO. 04-324

Resolution of findings of advisability and Resolution authorizing construction of Lateral 1, Main 15, Sanitary Sewer #23 (north of 61st Street, west of Meridian) 468-83842, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

CITY COUNCIL PROCEEDINGS

JOURNAL 181

JUNE 15, 2004

PAGE 152

RESOLUTION NO. 04-325

Resolution of findings of advisability and Resolution authorizing improving Edwards, from the south line of the Plat, north to the south line of W. 62nd St. N.; on Rio Vista from the east line of Edwards, east to the east line of the Plat; on Richmond, from the north line of Rio vista, north to the north line of the Plat; and on W. 62nd St. N. from the west line of the plat, east to the west line of Richmond. On Richmond ct. from the west line of Richmond, west to and including the cul-de-sac; and on Rio Vista Ct. from the south line of Rio Vista, south to and including the cul-de-sac. Sidewalk be constructed along one side of Edwards, Rio Vista, Richmond, and W. 62nd St. N., (north of 61st Street North, west of Meridian) 472-84056, in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

RESOLUTION NO. 04-326

Resolution of findings of advisability and Resolution authorizing improving a permanent left turn bay for northbound traffic on Meridian to serve Rio Vista Estates 4th, 472,84057, (north of 61st Street North, west of Meridian) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

RESOLUTION NO. 04-327

Resolution of findings of advisability and Resolution authorizing improving 61st St. North from the west line of Meridian to the west line of the Plat, 472-84058, (north of 61st Street North, west of Meridian) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

SUB 2004-11

SUB 2004-11-PLAT OF PRAIRIE VILLA AT BEACON HILL ADDITION, LOCATED EAST OF OLIVER, NORTH OF 21ST STREET NORTH. (DISTRICT I)

Agenda Report 04-0632

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat 10-1.

The negative Planning Commission vote indicated a Commissioner's concern with access issues.

This unplatted site, consisting of one lot on 10.11 acres, is located within Wichita's city limits. A zone change (ZON 2003-57) from SF-5, Single-Family Residential District to TF-3, Two-Family Residential District has been approved for the site subject to platting.

Sanitary sewer is available to serve the site; however, a 100% petition and a Certificate of Petition were submitted for water improvements.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty days. Publication of the Ordinance should be withheld until the Plat is recorded with the Register of Deeds.

The Certificate of Petition will be recorded with the Register of Deeds.

CITY COUNCIL PROCEEDINGS

JOURNAL 181

JUNE 15, 2004

PAGE 153

Motion--

Mayans moved that the Document and Plat be approved; the necessary signatures be authorized; the Resolution be adopted and the Ordinance be placed on first reading with publication being withheld until such time as the Plat is recorded with the Register of Deeds. Motion carried 6 to 0, (Fearey absent).

--carried

RESOLUTION NO. 04-322

Resolution of findings of advisability and Resolution authorizing construction of Water Distribution System Number 448-89982 (east of Oliver, north of 21st Street) in the City of Wichita, Kansas, pursuant to findings of advisability made by the Governing Body of the City of Wichita, Kansas, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Gray, Lambke, Martz, Schlapp, Mayans. (Fearey absent)

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the rules laid over. (ZON 2003-57)

VAC2003-00035

VAC2003-00035-REQUEST TO VACATE PLATTED FLOODWAYS LOCATED NORTHWEST OF THE 29TH STREET NORTH, K-96 INTERCHANGE AND NORTHEAST OF THE CYPRESS STREET, 29TH STREET NORTH INTERSECTION. (DISTRICT II)

Agenda Report No. 04-0633

Staff Recommendation: Approve.
MAPC Recommendation: Approve. (unanimous)

The applicant is requesting consideration to vacate a portion of the platted floodway located on Lot 9, Block 2, Mediterranean Plaza Addition. The Mediterranean Plaza Addition was recorded in 1988.

There is a lot split associated with this vacation request. The lot split would divide Lot 9 into three tracts. The Lot Split was approved September 23, 2003. There is sewer in the area of the proposed vacation that appears to be in a 30-foot sanitary sewer easement. The applicant has approval by City Public Works/Storm Water for the proposed vacation; a Restrictive Covenant (Film 2811, Pages 0027-0031) in reference to a drainage reserve and a Sanitary Sewer Petition (Film 2811, Pages 0032-0033) have been recorded with the Register of Deeds. No one spoke in opposition to this request at the MAPC's advertised public hearing and the MAPC voted to approve the vacation. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds

Motion--

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried 6 to 0, (Fearey absent).

--carried

VAC2004-00008

VAC2004-00008-REQUEST TO VACATE A PORTION OF A PLATTED DRAINAGE EASEMENT LOCATED SOUTHWEST OF THE MAIZE ROAD-PAWNEE AVENUE INTERSECTION MORE SPECIFICALLY THE SOUTHWEST CORNER OF MAIZE COURT. (DISTRICT IV)

Agenda Report No. 04-0634

Staff Recommendation: Approve.
MAPC Recommendation: Approve. (unanimous)

CITY COUNCIL PROCEEDINGS

JOURNAL 181

JUNE 15, 2004

PAGE 154

The applicant is requesting consideration for the vacation of the north 25-feet of the east 142-feet of the platted 40-foot drainage easement that lies entirely in the south side of Lot 9, Block C, Southern Ridge Addition. The Southern Ridge Addition was recorded with the Register of Deeds January 15, 2003.

The applicant proposes the vacation of the easement to allow more room for development on Lot 9. There are no sewer or water lines in the platted easement. The applicant has approval by City Public Works/Storm Water for the proposed vacation; easement for utilities and right-of-way have been dedicated and recorded with the Register of Deeds. No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation. No written protests have been filed.

A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized.
Motion carried 6 to 0, (Fearey absent).

A04-17

A04-17-REQUEST BY KELSEY INVESTMENTS, INC. TO ANNEX LAND GENERALLY LOCATED NORTHWEST OF THE 135TH STREET WEST AND 13TH STREET NORTH.

Agenda Report No. 04-0635

The City has received a request to annex 35.39 acres of land generally located to the northwest of 135th Street West and 13th Street North. The annexation area abuts the City of Wichita to the south of the property. The owner plans to develop the proposed annexation area as a residential development with 105 single-family residential lots.

Land Use and Zoning: The proposed annexation consists of 35.39 acres in agricultural use, currently zoned "SF-20" Single Family Residential and "LC" Local Commercial. The owner intends to rezone the property to "SF-5" Single Family Residential. The properties to the north and west of the proposed annexation are in Sedgwick County, zoned "SF-20" Single Family Residential, and are in agricultural use. The properties to the east of the proposed annexation are also in Sedgwick County, zoned "LC" Local Commercial and are in agricultural use. The properties to the south of the proposed annexation area are in the City of Wichita, currently zoned "SF-5" Single Family Residential, and are in suburban residential use.

Public Services: As part of the platting process the developer will be required to petition for their portion of a future water supply line in 135th Street. Public water service is currently available from the 13th Street right of way along the south side of the property. The property owner is currently working with a local engineering firm to design and construct a sewer main extending past the property from 21st Street and 135th Street West.

Street System: The subject property fronts on 135th Street West and 13th Street North. Both streets are currently two-lane paved County roads. The City of Wichita Capital Improvement Program 2004-2013 calls for improvements to 135th Street directly east of the property in 2008. The Sedgwick County Transportation Improvement Plan 2004-2008 draft calls for reconstruction and widening of 13th Street to the east of 135th Street.

Public Safety: Fire services to this site can be provided by the City of Wichita within an eight to nine minute approximate response time from City Station No. 16 located at 1632 N. Tyler. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 West Elder.

Parks: Swanson Park, a 93-acre park, is located approximately 2.5 miles southeast of the proposed annexation site. A pathway is proposed along both 135th and 13th Street, connecting the area to other park and trail facilities (Wichita-Sedgwick County Park and Open Space Master Plan 1996).

School District: The annexation property is part of the Unified School District 266 (Maize School District). Annexation will not change the school district.

CITY COUNCIL PROCEEDINGS

JOURNAL 181

JUNE 15, 2004

PAGE 155

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

The current approximate appraised value of the proposed annexation area is \$7,390, with a total assessed value of \$850. Using the current City levy (\$31.406/\$1000 x assessed valuation), this roughly yields \$27 in City annual tax revenues for the property. The future assessed value of this property will depend on the type and timing of any other developments on the proposed annexation property and the current mill levy. However, the property owner projects an overall appraised value of \$9,240,000 when development is completed, resulting in an assessed value of \$1,062,600. Assuming the current City levy remains about the same, this would roughly yield \$33,372 in City annual tax revenues.

The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Mayans moved that the annexation be approved and the Ordinance be placed on first reading
Motion carried 6 to 0, (Fearey absent).

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A04-17

A04-18

A04-18-REQUEST BY WICHITA UNITED METHODIST DISTRICT UNION TO ANNEX LAND GENERALLY LOCATED NORTHEAST OF THE INTERSECTION OF 119TH AND PAWNEE ROAD.

Agenda Report No. 04-0636

The City has received a request to annex 17.87 acres of land generally located northeast of the intersection of 119th and Pawnee Road. The annexation area abuts the City of Wichita to the north, east, and west of the property. The property owner has no plans to develop the site at this time.

Land Use and Zoning: The proposed annexation consists of 17.87 acres zoned "SF-20" Single Family, currently in agricultural use. The properties to the north and east of the proposed annexation area are in the City of Wichita, currently vacant, zoned "SF-20" Single Family Residential, and subdivided as single-family residential lots. The properties to the south of the proposed annexation are in Sedgwick County, zoned "SF-20" Single Family Residential, and are in agricultural use. The lands to the west of the proposed annexation area are in agricultural use, zoned "SF-5" and "SF-20" Single Family Residential, with the "SF-5" zoned property being in the City of Wichita. The "SF-20" Single Family Residential zoning of the proposed annexation property will convert to "SF-5" Single Family Residential upon annexation.

Public Services: A petition is on file for water service to the property. The project to extend water service to the property is currently in the design stage with the water main to be placed along Pawnee Road. A public sewer line runs east and west along the north line of the proposed annexation.

Street System: The subject property fronts on South 119th Street, currently a two lane paved county road. The City of Wichita Capital Improvement Program 2004-2013 draft currently calls for improvements to 119th Street in 2013. Left turn lanes along 119th Street will be required of the developer as a condition of platting approval along with a contingent left-turn lane along Pawnee Road.

Public Safety: Fire services to this site can be provided by the City of Wichita within a five to six minute approximate response time from City Station No. 17 located at 10651 West Maple. Upon annexation, police protection will be provided to the area by the Patrol West Bureau of the Wichita Police Department, headquartered at 661 North Elder.

CITY COUNCIL PROCEEDINGS

JOURNAL 181

JUNE 15, 2004

PAGE 156

Parks: Pawnee Prairie Park, a 410.37-acre park, is located 1.5 miles east of the proposed annexation site. A pathway is proposed along the western edge of the proposed annexation area in the 1996 Parks and Open Space Master Plan.

School District: The annexation property is part of the Unified School District 265 (Goddard School District). Annexation will not change the school district.

Comprehensive Plan: The proposed annexation is consistent with current amendments to the Wichita-Sedgwick County Comprehensive Plan. The annexation property falls within the 2010 Wichita Urban Service Area as shown in the Plan.

The proposed annexation property is owned by Wichita United Methodist District Union. It is tax exempt and no tax revenues will be generated.

Legal Considerations: The property is eligible for annexation under K.S.A. 12-519, et seq.

Motion--
--carried

Mayans moved that the annexation be approved and the Ordinance be placed on first reading
Motion carried 6 to 0, (Fearey absent).

ORDINANCE

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, introduced and under the rules laid over. A04-17

RECESS

Mayans moved at 10:13 a.m. to recess into Executive Session to consider: Consultation with legal counsel on matters privileged in the Attorney-Client relationship relating to: pending litigation and legal advice and that the Council return from Executive Session no earlier than 10:30 a.m. and reconvene in the City Council Chambers. Motion carried 6 to 0, (Fearey absent).

RECONVENE

The Council reconvened in the Council Chambers at 10:31 a.m. and Mayor Mayans announced that no action was taken.

Motion--carried

Mayans moved to close the Executive Session. Motion carried 6 to 0, (Fearey absent).

Motion--carried

Mayans moved to close the Regular Meeting. Motion carried 6 to 0, (Fearey absent).

Adjournment

The City Council meeting adjourned at 10:32 a.m.

Karen Sublett
City Clerk